

Municipal Reference Bulletin No. 4

THE PAYMENT OF FINES IN INSTALLMENTS BY OFFENDERS

PREPARED AT THE REQUEST OF

ALDERMAN THOMAS D. NASH


MEMBER OF THE CHICAGO CITY COUNCIL



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This report has been prepared at the request of Alderman Thomas D. Nash, Chairman of the sub-committee of the Committee on Judiciary of the Chicago City Council, appointed to consider the feasibility and desirability of establishing a system for the payment on the installment plan of minor fines imposed by the Municipal Court for the violation of City Ordinances.

The material and information contained in the report have been compiled from official sources. Acknowledgement should be made to Judge James A. Collins of the City Court of Indianapolis, and to Judge Ewing C. Bland of the Second Division of the Municipal Court of Kansas City, Missouri, for the valuable information obtained from their annual reports and contributions on the subject treated herein.

FREDERICK REX,
Municipal Reference Librarian.

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Introduction

There is a growing opinion among judges and critics of our prison system that the prevailing method of sentencing human beings to penal and correctional institutions for the non-payment of fines imposed by the courts for petty wrongdoing is detrimental alike to the moral and economic interests of both the state and the individual. The International Prison Congress nearly ten years ago declared that "the authority charged with the execution of the judgment should be authorized to permit the payment of the fine by installments or by public working. In case of the insolvency of the condemned person the substitution of imprisonment for the fine should be avoided by resort to other means."

In the City of Chicago a poor man who cannot pay a fine at the time of trial is usually committed to the House of Correction. A man whose offense may be equally as bad, but who has money to pay his fine, is freed as soon as he pays the amount imposed as a fine. The poor man, in short, is imprisoned practically because of his poverty and economic helplessness. Of the 14,709 commitments to the House of Correction in the year 1913, 12,124, or 82.4%, were imprisoned for the non-payment of fines imposed upon them by the courts. The results obtained in other cities and states, where the practice of permitting offenders to pay their fines in installments is in effect, prove that over 90 per cent of those placed on probation by the courts to pay their fines in installments faithfully adhered to and kept their pledges. If the City of Chicago had been fortunate enough to avail itself of the foregoing method of punishing its petty offenders in 1913, fully 10,912—or 74.2%—of the total number of men and women incarcerated in the House of Correction would have escaped the blighting influence and stigma of physical imprisonment. In other words, the total number of commitments to the House of Correction under the new plan in the year 1913 would have been 3,797—or but 25.8% of the total number of delinquents actually imprisoned in the year under the present method.

The salient benefits derived from the method of paying fines in installments are:

First—It permits a person who is poor to pay the fine in amounts adjusted in size to his financial circumstances and those of his family.

Second—It prevents imprisonment because of poverty.

Third—It reduces the liability of causing suffering among the members of the offender's family and other innocent dependents.

Fourth—It requires the defendant to earn his own fine by honest labor.

Fifth—It increases the public revenues collected from fines, which, under the old method, are lost to the public treasury.

Sixth—The number of prisoners and the cost of their maintenance in institutions is reduced.

Seventh—It gives the defendant the benefit of the probation officer's friendly influence and aid.

The results of an investigation into the subject are herewith submitted, and show the experience of such American states and cities as have adopted the plan of permitting offenders to liquidate their fines on the installment, or part payment plan.

BOSTON, MASS.

The Massachusetts Legislature in the year 1906 passed an act relative to delinquent children, and in 1912 passed an act authorizing the suspension of sentences by courts in certain instances, which two acts give the legal basis of the present procedure in the Boston courts for the suspension of fines and the system of paying them in installments. As stated in general terms, fines may be suspended or remitted in Boston in whole or in part by

1. The Juvenile Court;
2. The Criminal Court, and
3. The Commissioner of Penal Institutions, in whose custody persons sentenced by the Municipal Courts are placed to work out their sentences.

Mr. Edward M. Hartwell, Chief of the Boston Statistics Department, has estimated that fully one-half of the fines imposed by the Juvenile Court are suspended so that the delinquent may have an opportunity to pay in installments if he can. In 80 per cent of the cases in the Criminal Courts where fines are imposed through the operation of the Probation Office, the delinquent or criminal is given the privilege of paying the fine in installments. The records and reports of the court officers are not in very convenient shape to afford data for inclusion herein in a well-balanced statistical statement. The opinion of the courts and probation officers who have jurisdiction and experience in the matter is favorable to the system of paying fines on the installment plan. By suspending sentence and making the offender responsible to the probation officer and the court, many youthful offenders are saved from association with the professional criminals, and doubtless prevented from becoming criminals themselves.

BUFFALO, N. Y.

Under the New York state law there are two methods by which persons may be required to pay fines while on probation:

(a) The court in suspending the imposition of sentence and placing a person on probation may require that while on probation he shall pay in one or several sums a fine at the time of being placed on probation. Under this method the probation may continue after the fine is paid.

(b) A court may impose a fine and direct that if the defendant does not pay the fine at once he shall be imprisoned until it is paid, and then, suspending the execution of this sentence of imprisonment, the court may place the defendant on probation during such suspension, and require him to pay the fine while on probation. When this method is followed the judgment must be satisfied and the probation ceases as soon as the fine is paid.

Probation officers must keep accurate and complete accounts of all moneys collected from probationers in fines, give receipts therefor and make at least monthly returns thereof. The first method makes the payment of the fine supplementary and secondary in importance to the probation; the second method makes the payment of the fine the chief end. The first method enables the court to keep the offender on probation as long as seems desirable; the second method may enable the offender, by paying the fine promptly, to shorten the probationary period.

Whichever of these two methods is used, the fine may be paid in installments, and through the probation officer.

A defendant who cannot pay a fine when imposed is usually, because of his inability to pay, committed to jail or some similar institution.

When it is desirable to fine a poor person, probation affords a means whereby the court can permit the defendant to pay the fine in installments adjusted in size to the financial circumstances of the defendant and his family. This prevents imprisonment because of poverty; it lessens the liability of

causing suffering among the innocent; it requires the defendant to earn his own fine by honest work; it increases the public revenues collected from fines and at the same time it gives the defendant the benefit of the probation officer's friendly influence and aid.

During the last fiscal year 759 persons were placed on probation to pay fines in the city court of Buffalo, the aggregate amount of fines imposed to be paid on probation by these 759 persons being \$12,593.45. There has been collected during the year 1913 the sum of \$10,764.50 in cash fines by the probation department, and other fines are in different stages of collection at the present time. From these statistics it is apparent that a very small percentage of the amount of fines imposed to be paid on probation is lost.

The entire per capita cost of the maintenance of prisoners in the Erie County Penitentiary is about fifty cents. If the 759 prisoners placed on probation to pay fines totaling \$12,593.45 had been compelled under the old system to serve a day in the jail or workhouse for each dollar imposed by the court in fines, the period of servitude of these prisoners would have amounted to 12,593 days, at a cost of \$6,296.72 to the public for maintenance. The \$6,296.72 required for maintaining the prisoners in the jail or workhouse, together with the sum of \$10,764.50 collected in cash fines by the Erie County Probation Department, or a total of \$17,061.22, was absolutely saved to the City of Buffalo under the new method of paying fines on the installment plan. If the 759 persons fined had been able to pay their fines when imposed there would have been no necessity for probation, but being poor and unable to pay, under the old system they would have had to serve one day for each dollar of fines imposed, and in no other way than by the probation installment plan could the fines have been collected.

Whereas, the above gain to the community can be measured in dollars and cents, and important as it is to the city financially, it pales into insignificance before the moral aspect of the question.

The 759 persons who in 1913 were fined an average of \$16.59 by the city court of Buffalo, through the new method, were saved the degradation of imprisonment and the contamination resulting from association with criminals whom they would meet in the jail or workhouse. As a matter of social justice, recognition should be made of the fact that the 759 persons fined were in nearly all cases guilty of no crime whatever, but suffered the full weight of the law simply for the violation of city ordinances. Again, on the economic side, wives, children and others dependent upon these offenders for their support and sustenance would not lose the help, services and wages of the latter under the new method of paying their debt to the law in installments, as would have been the case had these offenders been imprisoned for non-payment of the fines under the old method.

It has been found in Buffalo that the fact that the probationer must pay his dollar, or any other stated sum, each week leaves upon him in most cases a lasting impression, and he is not likely to repeat the offense.

The fines imposed upon misdemeanants cover all offenses. The Buffalo city court is divided into three parts: One dealing with misdemeanors, another with domestic relations, and another part with vagrants, disorderlies and drunks. These fines cover disorderly conduct, intoxication, third-degree assaults and other criminal charges. In most instances the fine imposed is one of \$10.00, \$25.00 or \$50.00, and the judge directs whether it shall be paid in installments of fifty cents or a dollar a week, depending upon the wages of the probationer and other circumstances, such as whether he has a large family to support.

The experience of the Buffalo probation officers has been that many offenders for the first time learn to save money while paying the fine. Offenders have been found to establish savings accounts as soon as the fine had been paid by them.

CHICAGO, ILLINOIS.

While the matter of abolishing the archaic system of imprisonment for the non-payment of fines has made substantial progress in a number of cities and states of the Union, Chicago still lags far behind. A delinquent or offender in Chicago is required to serve out the amount of the fine imposed upon him by the courts at the rate of fifty cents a day in cases relating to the violation of city ordinances and a dollar a day on a fine imposed for violation of the state statutes.

Mr. John W. Houston, Chief Probation Officer of Cook County, observes "that out of 2,300 cases admitted to probation in the last fiscal year about 900 were found guilty of offenses which are punishable by a fine alone. In nearly every one of the 2,300 cases the court has the alternative of a fine or imprisonment, so that I think it is safe to say that in 75 per cent of the cases tried in the Municipal Court a fine is entered against the defendant instead of a jail sentence, for the non-payment of which fines the delinquents are sent to the House of Correction. This is monstrous—it is nothing else than putting a man in jail for a debt; it is a law particularly against the poor and in favor of the man who has money. The defendant who has money or who can borrow it from his friends is allowed his freedom, while his companion in crime who cannot find the money to pay the fine is sent to prison. He is not sent to jail to punish him for the offense committed, but because he cannot pay his fine. It seems to me this ought to be remedied by the passage of an amendment to the probation law. They have such a law in many other states and it is very often used and generally regarded as a very good law.

"The courts should not be used as a means of producing revenue for the city at the expense of the minor violators of the law. The fine, if imposed at all, should be as a punishment only, and the punishment would be far greater if the man were compelled to pay in installments from time to time than if he were compelled to raise the amount at once, because every time an installment was paid it would remind him of his error.

"In several instances one judge in the Municipal Court of Chicago has assumed power to enter a fine against the defendant, put him on probation and order him to pay the fine in weekly installments, and in every instance the fine has been paid during the course of probation."

The statistics of the House of Correction for the year 1913 show that 82 per cent of its prison population was committed for the non-payment of fines, and that the fines upon which delinquents were committed were largely very small fines.

Miss Edith Abbott, in a report to the Chicago City Council Commission to Investigate Crime, presents statistics showing that in the year 1913 there were "14,709 persons committed to the House of Correction. Only a very small proportion of these 14,709 men and women were committed because they had been sentenced to imprisonment. The great majority were committed for non-payment of very small fines. The following table shows the number of persons committed to the House of Correction from 1910 to 1913 and the reason for commitment, i. e., how many and what per cent of those committed were sentenced, committed for non-payment of fines, or both:

Table 19—Commitments to House of Correction, 1910-1913

Order	1913		1912		1911		1910	
	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent
Sentenced	895	6.1	857	7.6	1,097	8.6	910	7.1
Committed for non-payment of fines..	12,124	82.4	9,317	82.6	10,987	85.8	11,111	87.3
Fined and sentenced.	1,690	11.5	1,108	9.8	715	5.6	707	5.6
Total	14,709	100.0	11,282	100.0	12,709	100.0	12,728	100.0

"This table shows that in 1913 there were 12,124 persons, or 82.4 per cent of the total number committed, who were sent to the House of Correction

solely because of the non-payment of fines. The percentage of commitments for non-payment of fines was much the same in the three preceding years. In 1910, 87.3 per cent of all persons committed; in 1911, 85.8 per cent, and in 1912, 82.6 per cent were committed for non-payment of fines. During these years the percentage sentenced has slightly decreased and the percentage who were both fined and sentenced has slightly increased. It should be noted that there were in 1913, 1,690 persons who were both sentenced and fined. The terms of many of these were extended after sentence of imprisonment had been served because they could not pay fines. The total number of persons, therefore, whose board and keep are being paid by the taxpayers because of non-payment of fines is considerably more than the 12,124 persons who were committed only for this purpose.

"It has already been said that most of the commitments for non-payment of fines were for small fines. The following table shows the number of persons committed for fines of specified amounts in the years 1910-1913:

Table 20—Number of Persons Committed for Non-payment of Fines of Specified Amounts, 1910-1913

Amount of Fine	1913	1912	1911	1910
Less than \$5.....	622	257	484	373
\$5 and less than \$10.....	1,476	981	1,398	2,050
\$10 and less than \$15.....	2,375	1,796	1,905	2,570
\$15 and less than \$20.....	2,305	1,900	2,309	2,287
\$20 and less than \$30.....	616	746	816	745
\$30 and less than \$40.....	2,050	1,694	1,931	1,555
\$40 and less than \$50.....	67	110	118	176
\$50 and less than \$100.....	1,346	965	1,238	902
\$100 and more.....	1,267	868	788	453
Total number committed.....	12,124	9,317	10,987	11,111

"According to this table 4,933 persons, 36.9 per cent or more than 1/3 of those committed for non-payment of fines, were committed because they were unable to pay fines of less than \$15.00. Another 19 per cent could not pay fines ranging from \$15.00 to \$20.00, so that more than 50 per cent were serving terms at the House of Correction because they could not pay fines of less than \$20.00. Fines are worked out at the rate of 50 cents per day, and these fines are therefore paid in two ways: First, by the taxpayers (for the expense of maintenance of the Bridewell is 46.2 cents per man per day and the total cost of maintenance in 1913 was \$290,814.78); and, second, by the men and their families in demoralization and privation."

The great economic waste of the present system of imprisoning for the non-payment of fines is apparent from the last printed report of the House of Correction, which shows that there were imprisoned for such non-payment of fines 167 bakers, 185 barbers, 98 bricklayers, 20 cabinet makers, 217 carpenters, 18 chair makers, 35 cigar makers, 346 cooks, 51 electricians, 72 engineers, 357 firemen, 280 machine hands, 163 machinists, 52 moulders, 417 painters, 21 paper hangers, 240 peddlers, 35 plasterers, 58 plumbers, 173 printers, 103 shoe makers, 88 steam fitters, 88 watchmen, 256 tailors, 837 teamsters, 65 tinsmiths, 289 waiters, and many others representing various branches of useful trade and industry. Nearly all of these have an earning capacity in the free and open market for their labor of from \$2.50 to \$6.00 a day, which would have enabled them to pay their fines within a comparatively short time and have preserved them to their families and dependents during the time of such payments. Under the present method these men, engaged in useful and remunerative toil, were ruthlessly taken away by the arm of the law from their occupations and at the House of Correction were compelled to make brooms or chairs, about which they knew practically nothing, at an allowance, by the city ordinance, of 50 cents for a day's work and at the expense of the City of Chicago.

CLEVELAND, OHIO.

Almost the only offense for which a fine is imposed in the Juvenile Court of Cleveland is that of gambling, the fine being assessed for the purpose of convincing the youthful gambler that gambling is an extremely unprofitable and hazardous business to enter. The fine is proportioned to the boy's earning capacity. If he makes five dollars a week and gives up about four dollars a week at home for his room and board, or as his contribution to the support of the family, the fine is probably made about five dollars, payable in ten weekly installments of fifty cents each. Should a youth steal a bicycle and repaint it, or tear off the license plate, or wear out the tires, or break any part of the machine, the court would determine how much it would cost to put the bicycle back in the condition it was in when stolen, and assess damages in a proportionate amount against the offender. The court would investigate the youthful offender's earning capacity and fix the amount of the weekly installments the latter would be required to pay. In the opinion of the Juvenile Court, the collection of a fine in installments from the youthful delinquent's own wages, impresses on such delinquent more keenly the gravity of the offense than would the assessment of a lump fine to be paid by the parents. Likewise, it keeps a good many young people out of houses of correction or reformation where they would have to be sent if the whole fine had to be paid before the offender was allowed his liberty. It is very seldom that a parole is broken.

Mr. Robert W. Hobbs, Commissioner of Information and Publicity of Cleveland, reports that the system of permitting offenders to pay fines on the installment or part-payment plan has worked excellently in his city.

ILLINOIS.

A bill amending the probation law was drafted by a committee of the Chicago Civic Federation and introduced into the Illinois State Legislature, April 24, 1913, providing for a system of probation which contained the following section:

"That he shall pay a fine assessed against him as well as the costs of the proceedings, in such installments as the court may direct during the continuance of the probation."

The bill was referred to the Committee on Judicial Department and Practice of the Illinois House of Representatives, but it failed of passage by the Legislature.

At present there is a law in the state of Illinois which provides for the payment of fines and costs in installments if the defendant will furnish sufficient surety, namely:

"If the person convicted, together with one or more sufficient sureties, will acknowledge a judgment in favor of the people of the state of Illinois, for the amount of fine and costs, or the costs only, when no fine is imposed, the court shall cause the same to be entered in full satisfaction of the fine and costs, or costs only, with a direction that if the judgment is not paid within five months from the time of entering the same, execution shall be issued thereon; and the defendant shall, upon the entering of such judgment, be discharged from imprisonment on account of such fine or costs, but he shall not thereby be discharged from any imprisonment which is made a part of his punishment, not dependent upon the payment of the fine or costs. Such judgment shall be a lien upon all the real estate of the persons acknowledging the same, from the date of its entry. If the judgment so entered is not paid within five months from the entry, it may be enforced by execution, in the same manner as other judgments at law. Such judgment may be acknowledged in vacation before the clerk of the court, and he may, in such case, approve the surety; and a

judgment so acknowledged shall have the same force and effect from the date of the entry as if entered in term time in open court."

The effect of the foregoing statute is that any person having been fined at court and who is unable to pay, may postpone the payment of the fine by filing a bond with good and sufficient sureties advanced to pay the fine and costs and thus avoid the necessity of going to jail for their non-payment. There is no law, however, which authorizes a court to permit a defendant who is fined under a state law to have his freedom pending the payment of the fine, unless by giving a bond as stated, and no law which permits the judge to allow a defendant fined under a municipal ordinance to have his liberty while paying that fine in installments. In other words, he must either produce the amount of the fine forthwith or go to prison for its non-payment, the fine usually being worked out at the rate of fifty cents a day in city cases and one dollar a day in state cases.

INDIANAPOLIS, INDIANA.

For years it had been the practice in the police courts of the state of Indiana to commit to the jail or workhouse all offenders who were unable to pay the fines imposed upon them by the court. Such delinquents were not given a term of imprisonment as a punishment for their misconduct, but were imprisoned as a result of their poverty and inability to pay the fines. To correct this, and to aid the unfortunates who were direct sufferers from the injustice, Thomas R. Marshall, now Vice-President of the United States, during his term as Governor of Indiana gave his unqualified approval to the plan of paroling men from the Marion County workhouse and giving them an opportunity of paying their fines in installments through the Probation Department of the City Court.

There was established in the City Court of Indianapolis as a part of the probation system a plan for the collection of fines and costs in installments, which has rapidly become one of the most important features of the work of this court.

The defendants punished in the city courts by a fine have been divided into two distinct classes: The first class of defendants is composed of those who can pay the fines assessed against them, while the second class consists of those men and women who, while financially unable for the time being, would gladly pay their fines if given the opportunity. This latter class represents very largely mechanics and laborers, who are in no sense criminals, but who for some breach of peace or infraction of the city ordinances have been haled into court.

These people are generally of a deserving character, and it is this class whom the new method is designed to benefit. The court has usually inflicted a monetary fine as the punishment of those guilty, but in lieu of imprisoning them because of their inability to pay this fine they are released to the custody of a sergeant of police with instructions to pay to him as much as can be spared out of the family exchequer each week until the total amount due the court in fines and costs is paid in full.

During the less than four years that this plan has been in operation the sum of \$34,014 has been paid into the courts in installments by delinquents. During this period 3,832 offenders were given an opportunity to pay their fines in installments, and of this number 3,220, or 84 3/10 per cent of the total, paid the amount due the court in full by this method. Out of 1,211 persons placed on probation during the year 1912, a total of 739, or 61.0 per cent, paid their fines and costs in full. Thirty-three individuals were unable to pay their fines and costs in full. These were given credit for their past payments and committed to the workhouse to serve out the balance. Eighty-eight of those placed on probation were unable to pay anything and were committed to the jail or workhouse. In each of 74 cases the condition of the family was such that the court felt justified in withholding judgment

instead of committing the defendants. Of the total number of delinquents placed on probation 69 failed to keep their agreement with the court and re-arrests were ordered. At the close of the year 178 cases were still unfinished.

According to Mr. James A. Collins, the City Judge, the plan of permitting offenders to pay fines and costs imposed upon them in installments inures to the benefit of the defendant in several ways, such as saving him his employment and his self-respect, and his family from humiliation and disgrace. Furthermore, the payment of penalties on this plan has caused a reduction in the number of commitments to the jail and workhouse, which has resulted in an increased saving in the cost of maintenance of this correctional institution to the county.

KANSAS CITY, MISSOURI.

In individualizing the cases of those guilty of crime and in the pursuit of preventive measures, extensive use has been made of the installment fine system in the Second Division of the Municipal Court of Kansas City, presided over by Judge Ewing C. Bland. The Municipal Judge cannot impose a sentence of imprisonment, but can impose a fine only. Ninety per cent of those fined by the court are unable to pay their fines. Consequently they are herded off to prison, not because the judge has sent them there, but because they are poor. A vicious distinction is thus fostered, based alone upon the possession of money by the offender, by the law in the administration of justice. While imprisonment for debt was supposed to have never become a part of American institutions, we have it in its most unjust form in the fine system.

A poor person if of previously good character is now able to pay his fine in weekly payments and in such amounts as are best suited to his financial circumstances. These weekly payments rank from fifty cents to five dollars. The installment fine plan is no longer in an experimental stage, but has become a permanent institution in the Municipal Court. According to Judge Ewing C. Bland, the following results of the installment fine plan have been full proved during the fiscal year ending April 21, 1913: The installment fine tends to put the poor man on a footing with his more fortunate brother. It compels the delinquent to work in order to keep out of jail. It restores the man to his family instead of depriving it of him. It saves the city the expense of his maintenance in prison, the public the probable burden of supporting his family while he is confined and it enriches the city to the extent of the fine that it otherwise would lose. It teaches the improvident—most of the prisoners belong to this class—business ideas and practices in requiring the offender to save his money and to adjust his affairs so that he will have the wherewithal to pay his installments. It trains him in the virtue of self-denial in that it forces him to forego some of his luxuries, the same often consisting of too much liquor. It saves him his job and retains him in the ranks of the producing class. It saves his family from humiliation and disgrace, as well as the financial embarrassment incident to his imprisonment. It saves his self-respect, which he is apt to lose in prison and without which he is worthless. It saves him the stigma of having been in prison and the consequent difficulties of obtaining employment when he is released. It acts as a parole, inasmuch as each week when he makes a payment he reports to an officer of the court of what he has been doing in the interim. It is an improvement over the parole because the offender feels that he is settling with the public and that he is not an object of sympathy and charity.

Offenders feel deeply over the fact that they cannot pay their fines when they know that the delinquent who is more financially fortunate pays cash for violating the law and departs a free man. They are all anxious to take advantage of the installment fine method of paying and universally commend it, while they make no effort to deny the culpability of the act that has resulted in their fine.

The installment fine has caused the offender, no matter how lowly, to

respect the law. He feels that he is being placed on an equal footing with the wealthy offender and that the judge must have some faith left in him to trust him to make the payments.

Of those who have been given the chance to pay their fines in installments only 2 per cent have come back before the court on second offenses, while at least 25 per cent of all those brought into court are repeaters. The installment fine system was established as a part of the settled policy of the Kansas City Municipal Court on October 1, 1912. Since then 356 persons have been released to pay their fines in installments. The sum of \$4,728 has been collected from them in this manner and commitments have been made on only 270, the latter representing twenty-seven persons who have defaulted, or 7.6 per cent of the total. Considering the amount of fines thus collected in installments, and in process of collection, and the cost of the maintenance of these offenders had they served out their terms in prison, it has been shown that the installment fine system has earned for and saved to the city treasury the very substantial sum of \$16,639 in fifteen months. The foregoing monetary estimate does not take into account the fact of the saving of human beings and of human suffering.

Each installment fine payer reports weekly. The judge and officers of the court have been very careful to follow each one of the cases individually and to attempt, if possible, to keep in touch with the deeds of each delinquent, such as knowing whether he is working, the kind of work he is doing, the character of his associates, his general habits, whether he is supporting his family if possessed of one, and his own personal views of the installment fine. The payments must be made regularly unless excused for good cause, and then only during good behavior. Only one chance is given. To default in the payment of the fine means commitment. However, frequently in cases of some very large fines where the payments extend over many months the offender is released from further payment before the fine is fully settled, where it appears that it would work a great hardship upon himself or upon his family. Such release is made only where the record of the delinquent has been good since the fine was imposed and where he shows a large measure of repentance for his misdeeds and a determination to live as a law-abiding citizen. About one-sixth of those released by the installment fine methods have had a portion of their fines remitted after they have paid the greater part of them. The payment of a very large fine in small payments naturally discourages a great many offenders at the start. Therefore, in a number of cases they are told when released that upon payment of a certain sum of the fine in weekly payments they will be released on the balance when the sum stipulated is paid. The offender is much pleased with this arrangement. But the judge feels that the offender is by this method given an additional reason to behave himself for the period it will take to pay the fine. In a sense, the offender is being paid to be good. If the offender learns to be good in this manner and during the period it will take him to pay his fine in installments, experience has shown that he will probably continue his good conduct after he has paid up and that he is being educated in the ways of the law-abiding citizen. While, in a measure, an appeal is thus made to his practical nature by a promise of a remittance of a portion of his fine, it is felt that the delinquent readily sees the advantages of going to work, restoring his character and becoming a good and useful citizen. It is believed that the plan has meant actual encouragement to a class, some of whom have never been trusted by any of their fellows before and who seem to have little in life to encourage them to do right. It is a form of encouragement which, in the opinion of Judge Bland, works effectively even with the lowest element.

In the end, however, the court does not trust entirely to the honor of the offender to make these payments, but enforces the payment of delinquent installments by an execution and imprisonment on the unpaid balance.

MASSACHUSETTS.

An act authorizing the suspension of sentences in certain instances and the payment of fines on the installment plan as passed by the Massachusetts Legislature, provides that:

"When a person convicted before any Municipal, Police or District Court so sentenced to pay a fine and to stand committed until the same is paid, the court may direct that the execution of the sentence be suspended for such time as it shall fix and that he be placed on probation on condition that he pay the fine within the time so fixed. In case the fine does not exceed Ten (\$10) Dollars, if the court finds that the defendant is unable to pay the fine when it is imposed and will not probably default and that it will not be detrimental to the interests of the public, the execution of the sentence shall be suspended and he shall be placed on probation. The fine shall be paid in one payment or in part payments to the probation officer, and when fully paid the order of commitment shall be void. The probation officer shall give a receipt for every payment so made, shall keep a record of the same, shall pay the fine, or all sums received in part payment thereof, to the clerk of the court at the end of the period of probation, or any extension thereof and shall keep on file the clerk's receipt therefor. If at the end of said period the probation officer shall report that the fine is in whole or in part unpaid and that in his opinion the person is unable to pay the same, the court may either extend said period, place the case on file, or revoke the suspension of the execution of the sentence. When suspension of the execution of the sentence is revoked, in a case where the fine has been paid in part, the defendant may be committed for default in payment of the balance of the fine."

The non-committal to the jail or workhouse of persons who have been fined and found without money to pay the fine has proved successful in this state and it is interesting to note the growth of the system of paying fines on the installment or part payment plan since its beginning:

Year	Fines Paid Probation Officers
1909	\$17,125.69
1910	25,379.89
1911	27,783.82
1912	38,301.28
1913	49,304.09

In addition to the fact that the large sums of money collected annually by probation officers from delinquents are converted permanently into the public treasury, the system of paying fines in installments relieves the state and its municipalities of the cost of caring for offenders and observation shows that this saving is substantially equal to the amount collected. Meanwhile the probationer who is made to pay his fine in installments is usefully employed, as he must be in order to provide for the payments, and the public is relieved of the expense of maintaining him in jail. It is obvious that the collections of fines from the probationers by replacing the public care of both them and their families and eliminating the cost of supporting men in jail, gives the state and its cities and towns financial relief far beyond the sum of the collections.

According to the Massachusetts Commission on Probation, it has been demonstrated that the work of the state in providing for the payment of fines in installments by offenders has not only its humane and philanthropic, but its economic side as well.

NEW YORK.

Never was there a wider recognition than at present of the injustice and social short-sightedness of the prevailing fine system whereby defendants in the state of New York, unable to pay their fines in full at the time of conviction, are ordinarily obliged to suffer imprisonment at the rate of one day for each unpaid dollar of the fine. As has been repeatedly pointed out, this is equivalent to imprisonment for debt, and the persons thereby made to suffer the most are often the innocent wives and children.

The First Annual Report of the New York State Probation Commission in 1907 called attention to the desirability of using probation in suitable cases for collecting fines in installments from defendants who, through inability to pay their fines at the time of conviction, would otherwise have to suffer imprisonment. In nearly all instances this caused privation among innocent members of the families of delinquents and in numerous other ways was shown to be a most unfortunate penalty.

By an act of the New York Legislature in 1909, it is provided that where the judgment of the court is that the defendant pay a fine and

"Be imprisoned until it is paid, the court upon imposing sentence may direct that the execution of the sentence of imprisonment be suspended for such period of time and on such terms and conditions as it shall determine and shall place such defendant on probation under the charge and supervision of a probation officer during such suspension, provided, however, that upon payment of the fine being made, the judgment shall be satisfied and the probation cease. At any time during the probationary term of a person convicted and released on probation in accordance with the provisions of this section, the court before which the person was convicted or his successor may in its or his discretion revoke and terminate such probation. Upon such revocation and termination the court may, if the sentence has been suspended, pronounce judgment at any time thereafter within the longest period for which the defendant might have been sentenced; or, if judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect for its unexpired term."

While the amount of fines collected by probation officers in installments from persons permitted to earn and pay their fines while on probation is not very large, it is worthy of note that the sums thus collected have increased by leaps and bounds since the plan was placed in operation in 1909, as is set forth in the following comparative figures:

Year	Fines Paid Probation Officers
1909	\$ 814.75
1910	1,583.06
1911	3 834.55
1912	5,879.27
1913	13,672.22

The court permits the payment of fines in very small installments. In cases where the payment of large installments would inflict hardship upon the probationer or his family, the installments are usually very small, oftentimes not more than fifty or twenty-five cents a week, or even less. While the ordinary fine system may be said to place a price upon the commission of offenses, the collection of fines from probationers in installments has as its object, in most cases, not so much the exacting of a money penalty as the exerting of a disciplinary and reformatory influence. The collection in installments of fines is a useful aid to probation in connection with the treatment of minor crimes and offenses. When a fine is imposed which cannot be paid at once, it is accompanied by a definite term of probation and not



limited to the payment of the fine. The opportunity of giving men a chance to pay off fines in installments out of their wages and at the same time of subjecting them to the benefits of probationary treatment in New York State is considered much more sane and helpful than committing them for a period of idleness to wretched penitentiaries and jails.

It was the intention of those who drafted the law providing for the payment of fines in installments that the fines should be earned by probationers and that in this way the innocent members of the probationers' families should be spared the necessity of paying the fine out of their own means. It has appeared, however, that in some cases, installments have been paid by the hard-working parents or wives of probationers and probation officers are insisting that the payment of fines should be made solely from the delinquents' own earnings. Preliminary investigations are made by probation officers to ascertain in advance of the order requiring the payment of fines in installments whether this can be done by the defendants.

PENNSYLVANIA.

The General Assembly of the State of Pennsylvania in 1911 passed an act authorizing the release on probation of offenders in the following words: "In any case where a fine only is imposed and the defendant might be imprisoned until such fine be paid, the court may direct as one of the terms of the probation that such fines shall be paid in certain installments at certain times; provided, however, that until payment of the fine, judgment shall be satisfied and probation cease."